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THE SITUATION IN CENTRAL AMERICA:
PROCEDURES FOR THE ESTABLISHMENT
OF A FIRM AND LASTING PEACE AND
PROGRESS IN FASHIONING A REGION
OF PEACE, FREEDOM, DEMOCRACY AND
DEVELOPMENT

SECURITY COUNCIL
Fiftieth year

Report of the Secretary-General

1. In my letters of 28 December 1994 to the Presidents of the General Assembly and the Security Council (A/48/825-S/1994/1453), I informed Member States that on 22 December I had sent letters to the Government of Guatemala and the Unidad Revolucionaria Nacional Guatemalteca (URNG) requesting them to indicate the steps they would be prepared to take to enable the peace negotiations to regain their momentum and achieve, as the General Assembly requested in its resolution 49/137 of 19 December 1994, agreement on a firm and lasting peace as close as possible to the target date of 31 December 1994 agreed by the parties in the framework agreement of 10 January 1994 (A/49/61-S/1994/53) and the agreement on the timetable of 29 March 1994 (A/48/928-S/1994/448).

2. I received replies from the President of Guatemala and URNG on 3 and 9 January 1995, respectively. In these replies, both parties recognized the need to give new dynamism to the peace process. They also shared the view that steps could be taken to facilitate the early conclusion of negotiations on complex substantive issues that are yet to be considered, namely "economic and social issues and the agrarian situation", "strengthening of civilian power and role of the army in a democratic society" and "constitutional reforms and electoral regime". However, the steps proposed by the parties to achieve that goal were incompatible.

3. In its letter of 3 January 1995, the Government proposed that the parties should agree to transfer consideration of "economic and social issues and the agrarian situation" and "strengthening of civilian power and role of the army in a democratic society" to representative bodies of Guatemalan society, which

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would be given joint or separate suggestions from the parties. In its letter of 9 January 1995, URNG proposed that the parties should turn into agreements and sign the three consensus documents already prepared for the parties' consideration by the Assembly of Civil Society on the three issues mentioned in paragraph 2 above.

4. To overcome this impasse, and also bearing in mind the need to foster confidence in the peace process and the presence in Guatemala of the United Nations Mission for the Verification of Human Rights and of Compliance with the Comprehensive Agreement on Human Rights (MINUGUA), I instructed the Under-Secretary-General for Political Affairs, Mr. Marrack Goulding, to travel to Guatemala and Mexico City to meet with the Government of Guatemala and the leadership of URNG, respectively, and present to them a set of proposals. These consisted of the early presentation by both parties of their proposals on all pending issues and the preparation by the United Nations Moderator of drafts on those issues; the preparation of a revised timetable aiming at completing the negotiations before the start of the campaign, which is expected to begin in May or June, for presidential elections in November; an informal three-month suspension of offensive military activities; a commitment by all political parties presenting candidates to the presidential elections to accept and implement the results of the negotiation; and measures to intensify implementation of agreements already signed and to inform the Guatemalan people of the current benefits and future gains to be obtained from the peace process.

5. While the Government of Guatemala agreed to the package, URNG expressed serious reservations about several of its elements. Following an assessment of the parties' responses, a revised set of measures was prepared and conveyed to the parties in letters dated 17 February 1995 addressed by Mr. Goulding to the President of Guatemala and the leadership of URNG (see annex I). In these letters, it was stressed that, should the response of the two parties to the revised package be positive, I would indicate to the General Assembly and the Security Council that I would be prepared to continue providing full assistance to the peace process through "moderation" of the negotiations and verification of all agreements reached. Otherwise, I would indicate to the General Assembly and the Security Council that the modalities for the participation of the United Nations in the peace process would have to be reconsidered.

6. On 20 February 1995, the President of Guatemala replied that the Government agreed to the revised set of proposals (see annex II). On 24 February, the leadership of URNG also conveyed its acceptance of the United Nations proposals (see annex III). Taken together, these replies provide an opportunity for the parties to recapture lost momentum and to conclude a package of agreements that would ensure the end of the armed confrontation while at the same time laying the foundations for a lasting peace.

7. On that basis, and even though the timetable envisaged in the Framework Agreement has had to be revised, I consider that minimum conditions exist for the continued involvement of the United Nations in the Guatemala peace process. I have, therefore, instructed the United Nations Moderator to contact the parties to make arrangements for the earliest possible finalization of the agreement on the current item on the negotiating agenda, namely the identity and rights of indigenous people.

8. However, it would be difficult for me to recommend that United Nations support for the peace negotiations be continued in its present form unless I can assume that the parties are sincerely committed to a genuine effort to negotiate in a serious and responsible way. The dates contained in the timetable should be seen as targets. While they should not become a strait-jacket, the parties are asked to show good faith by achieving progress as far as possible in that framework. As I pointed out in my letters to the parties dated 22 December 1994, the United Nations involvement cannot be a substitute for the parties' firm political will to negotiate and implement, seriously and resolutely, a peace settlement. Nor, of course, can it continue indefinitely if that political will is not in evidence on both sides.

9. As indicated in paragraph 2 above, both parties acknowledged, in their replies to my letters of 22 December, the difficulty of reaching agreement on the so-called substantive issues. However, the negotiation of the agreement on resettlement of population groups uprooted by the armed conflict, signed on 17 June 1994, and endorsed as a "national commitment" by the Assembly of Civil Society on 21 December 1994, has already demonstrated that dedication and flexibility can lead quickly to agreements that constitute real advances for Guatemalan society, and can mobilize national and international efforts in favour of their implementation. I hope that the parties will negotiate in the same spirit on outstanding substantive issues, including, in the immediate future, the item entitled "identity and rights of indigenous people". Much effort was devoted to that important question between 20 October and 20 December 1994. In their replies to my letters of 22 December 1994, both parties expressed their willingness to reach agreement promptly on that issue, on the basis of a draft already submitted by the Moderator. I therefore expect both parties to spare no effort to finalize that important agreement at the earliest possible date.

Annex I

Part One

Identical letters dated 17 February 1995 from the Under-Secretary-General for Political Affairs to the President of Guatemala and to the members of the Comandancia of the Unidad Revolucionaria Nacional Guatemalteca

The Secretary-General has asked me to thank you for your reply to his letter of 22 December 1994. Based on your reply and that of ... [the other party], and taking into account in particular the fact that both parties have renewed in their letters their commitment to a dynamic negotiating process as envisaged in the framework agreement of 10 January 1994 (A/49/61-S/1994/53), the Secretary-General instructed me to present to you and ... [the other party] a package of measures aimed at giving the negotiations new momentum, strengthening the credibility of the peace process and facilitating the extension of the mandate of the United Nations Mission for the Verification of Human Rights and of Compliance with the Comprehensive Agreement on Human Rights (MINUGUA).

Having analysed the consultations held with the parties since 23 January 1995, I am now in a position to convey to you a revised set of proposals, which are annexed to this letter. These proposals are based on the commitments contained in the framework agreement and the agreement on the timetable of 29 March 1994 (A/48/928-S/1994/448), the presence in Guatemala of MINUGUA and observations made by both parties during the consultations mentioned above, as well as on the proposals of the Assembly of Civil Society dated 18 January 1995. I have also taken into account the expressed intention of URNG to participate in the electoral process, and to do so in conditions of full legality if a peace agreement is signed in due time.

I should like to draw to your attention the importance that the United Nations attaches to the framework agreement and, in particular, to the parties' commitment, in paragraph V (ii) of the framework agreement to the early signing of an agreement for a firm and lasting peace and their undertaking to demonstrate the necessary flexibility for a successful negotiation of the overall agenda. It was precisely in that context that, in his letter of 17 January 1994 to the Presidents of the General Assembly and the Security Council, the Secretary-General informed them of his intention to accept the parties' request to appoint a Moderator for the bilateral talks and to recommend that the United Nations should agree to verify implementation of agreements reached during the peace process.

In that regard, it is necessary to recall the basis on which the Secretary-General decided to recommend to the General Assembly the establishment of MINUGUA before the signing of a final peace agreement. As mentioned in his report to the General Assembly of 18 August 1994 (A/48/985), it was his view that immediate human rights verification could make a decisive contribution to ongoing efforts in Guatemala to end a persisting pattern of human rights abuses. It was also his view that, by promoting the parties' full compliance with the

comprehensive agreement on human rights, the establishment of MINUGUA would strengthen the confidence of the parties and the Guatemalan people as a whole in the agreements reached at the negotiating table and thus consolidate the prospect for an early end to the conflict.

While the presence of MINUGUA is expected to bolster the peace process, it is also clear that the Mission's effectiveness and, indeed, substantive progress in the area of human rights are dependent on progress towards the resolution of the armed confrontation and the implementation of a comprehensive peace agreement. There is therefore no substitute for the will of the parties to search for a mutually agreeable settlement of the armed confrontation, and to demonstrate the perseverance and flexibility needed to achieve a fair settlement. In our view, a time-frame, which was conceived in the agreement on the timetable as guidance for the negotiating process, remains a useful tool. It is in this spirit that the revised timetable in the appendix is proposed.

The package outlined in the appendix offers, in the Secretary-General's view, the most realistic formula to give the peace talks the new momentum sought by both parties. It takes into account the opportunity for political participation that the upcoming electoral process may offer to URNG, while striving at the same time to ensure that electoral considerations do not affect the negotiations, and particularly the discussion of substantive issues. It seeks to strengthen support for the peace process by all sectors of Guatemalan society. And it would generate further international support for the Guatemalan peace process, and in particular, for the renewal of MINUGUA's mandate.

The Secretary-General would be grateful if you could respond positively to this package within the next seven days. It will be necessary for him to report to the General Assembly and the Security Council on the basis of answers received from both parties. Should the replies be positive, the Secretary-General would indicate that, in spite of the fact that the time-frame initially envisaged for the conclusion of the negotiations has had to be revised, he would be prepared to continue providing full assistance to the peace process through moderation of the negotiations and verification of all agreements reached. Otherwise, the Secretary-General would have to indicate to the General Assembly and the Security Council that, in his view, the modalities for the participation of the United Nations in the peace process would have to be reconsidered.

I wish in this context to reiterate that the Secretary-General is fully aware of the role that has so far been assigned to the United Nations in moderating the talks between the Government of Guatemala and URNG. At the same time, he views his involvement in this effort as part of his general responsibility, consistent with the Charter of the United Nations and long-established practice, to make his good offices available in support of efforts towards peace. It is against this background that he has encouraged the involvement of the United Nations in the present case. In this spirit he believes that he has a broad responsibility, vis-à-vis the Member States, as well as the Guatemalan people, to carry out this mission, as he does in all cases. But he also feels duty-bound to ensure that the proper means are available to carry it out, that the minimum conditions are in place to foster confidence that the effort will succeed, and that there is general agreement

regarding these points amongst all interested parties - for the unity and integrity of the negotiating process must be ensured.

The Secretary-General has therefore asked me to inform you that, once he has received the parties' replies to the proposal in this letter, he proposes to review and assess the nature of the United Nations involvement in the coming stages and that he intends to consult shortly with the parties on this subject.

(Signed) Marrack GOULDING
Under-Secretary-General for Political Affairs

Appendix I

Proposals for the continuation of the negotiations between the Government of Guatemala and the Unidad Revolucionaria Nacional Guatemalteca submitted to the two parties on 17 February 1995

1. Consideration of the outstanding items on the negotiating agenda would be in accordance with the agreement on a timetable, with the following adjustments to paragraph 1 of that agreement to take account of the delays that have taken place:

1-15 March:	Identity and rights of indigenous peoples
15 March-15 April:	Social and economic issues and the agrarian question
15 April-15 May:	Strengthening of civilian power and role of the army in a democratic society
15 May-15 June:	Bases for the reintegration of the Unidad Revolucionaria Nacional Guatemalteca (URNG) in the political life of Guatemala, and definiti e cease-fire
15 June-15 July:	Constitutional reforms and electoral regime
15 July-31 July:	Schedule for the implementation, enforcement and verification of the agreements

2. The target date for the signing of the final peace agreement would therefore be August 1995.

3. With the exception of the dates, all provisions contained in the agreement on the timetable would continue to apply.

4. The revised timetable provides for completion of two main substantive issues (economic and social issues and the agrarian situation; and strengthening of civilian power and role of the army in a democratic society) before the electoral campaign is fully under way. If complied with, it would also give URNG, if it so chooses, time to participate fully in the electoral process.

5. In the spirit of paragraph 5 of the timetable agreement, which provides that "the parties shall submit their proposals in good time so that the other party can consider them", both parties would submit their proposals on the outstanding items to the Moderator 10 days before the scheduled start of the corresponding round. The Assembly of Civil Society would be invited to submit its documents officially to the parties at dates to be agreed with the Organizing Committee of the Assembly well in advance of the corresponding rounds in order for the parties to be able to take them fully into account in their proposals. The Moderator would prepare drafts to serve as a basis for the negotiations.

6. In order to strengthen the negotiations and promote the continuity of the peace process in Guatemala, it is proposed that political parties that intend to nominate candidates to the elections would be asked to indicate clearly their commitment to the peace process and, in particular, to the implementation of agreements signed between the current Government and URNG. This commitment by the political parties would not substitute for the "national commitments" referred to in the framework agreement, which should result from the deliberations of the Assembly on agreements signed between the parties.

7. With a view to reinforcing the credibility of the peace process, all concerned with the full implementation of the Comprehensive Agreement on Human Rights and preparatory work provided under the Agreement on Resettlement of Population Groups Uprooted by the Armed Conflict and the Agreement on the Commission to Clarify Past Human Rights Violations and Acts of Violence That Have Caused the Guatemalan Population to Suffer would take action to demonstrate that tangible progress is being made towards that goal. In respect of the responsibility of the United Nations, the Secretary-General would request the Resident Coordinator of the United Nations system's operational activities for development and a member of the technical committee for resettlement to intensify preparations for the implementation of the resettlement strategy in those aspects which directly concern the United Nations system, and would assign an official to undertake preparatory work for the establishment of the Clarification Commission.

8. In order to provide better information on the advances made in the peace process, the parties and the United Nations would make a concerted effort to ensure that the provisions of agreements already signed and the significance of the peace process should be fully known to all Guatemalans.

9. Both parties would work to undertake confidence-building measures in the area of military operations. This is a delicate task and the United Nations would be prepared to assist the parties in reaching a mutually acceptable definition of actions from which they would refrain. This should not be understood as the definitive cease-fire that both parties agreed to negotiate in due time. These confidence-building measures, which could lead to an informal suspension of offensive military operations, would constitute a demonstration of good will aimed at alleviating the suffering of the civilian population in areas affected by the armed confrontation, protecting human rights and facilitating the work of MINUGUA as well as all national entities devoted to the protection and promotion of human rights.

Annex II

Letter dated 20 February 1995 from the President of Guatemala to the Under-Secretary-General for Political Affairs

I have received your letter dated 17 February 1995 and the attached proposal, which I have analysed carefully and closely with the Peace Commission. Before replying to them, I should like to thank you and, through you, all the United Nations staff and officials involved in our peace process for the tremendous amount of effort and work that both documents reflect.

I should like to reiterate my Government's determination to negotiate with all due seriousness and flexibility in order to bring the internal armed conflict to an end as soon as possible. This rapid, affirmative response is evidence of that determination and of our confidence in the role of the United Nations in the negotiations.

During your visit in January, you presented us with a proposal that was more ambitious in terms both of its time-frame, which was considerably shorter, and of its methodology, which envisaged the simultaneous treatment of items. That proposal also took a firmer and more decisive position on the need to take steps to spare the civilian population further suffering.

Our response to that proposal was immediate and favourable and our response to the present proposal is also favourable, although we would have preferred to keep to the original proposal. We respect the United Nations decision to reformulate it, since only you can be the judge of whether the present one is more realistic, having evaluated the objections and observations of the other party. We also accept without comment the fact that you have taken account of views expressed by the Assembly of Civil Society on matters that are outside its jurisdiction, as well as mere statements of intent by URNG which we none the less hope are serious and genuine.

I should like to reiterate that we value MINUGUA tremendously as a product of the negotiations and hope that our Government's affirmative response to this latest proposal will be sufficient for its mandate to be extended, since its verification function is extremely important and its institution-building component, which we hope will soon be activated, is vital for our country.

I feel bound to comment on some aspects of the proposal, although this does not signify any objection to it, the purpose being rather to suggest actions that might help make it viable.

In the first paragraph, you say that the proposed timetable would give URNG, if it so chooses, time to participate fully in the electoral process and to do so on a basis of full legality if the peace agreement is signed in time. Participating fully means being able to set up a political party and participate personally in the electoral process. However, as confirmed by recent statements by the Supreme Electoral Tribunal, the proposed timetable would not permit this under the electoral legislation currently in force.

A shorter time-frame would have permitted it. However, these obstacles could be overcome by agreeing to amend the constitutional provisions governing elections and by enacting legislation to resolve the personal situation of URNG members once a definitive peace agreement is signed. Let me assure you that the Government is prepared to propose the necessary transitional or definitive amendments to the electoral law and is already working on the various legal formulae which, once the armed conflict is over, would enable URNG members to be reintegrated into society on a basis of full legality and without any restriction on their civil and political rights.

In the second paragraph, you refer to the official submission of the documents of the Assembly of Civil Society in sufficient time for the parties to be able to take them fully into account. I should like to remind you that the parties have in fact had the Assembly's documents since last December, the Assembly having agreed, at the parties' request and through the Moderator, to hand them over precisely so that the parties could consider them. The formality of an official submission should not and cannot be deemed necessary, although this does not mean that the Government does not consider it important. In fact, the Government will approach with all openness the necessary discussion between the parties on how to fill the Assembly's leadership vacuum, since the leadership of the Assembly cannot be assumed simply on the basis of a decision by the Organizing Committee.

In the fifth paragraph, where you mention better information on the advance of the peace process, we consider your reference to a concerted effort to be neither appropriate nor necessary. The Government undertakes, as of now, to conduct a public information campaign so that the population will know more about the negotiating process and the agreements reached and will become involved in their implementation.

Aside from these aspects, on the subject of confidence-building measures, it was our understanding that such measures would apply not just to areas affected by the armed conflict and to the civilian population in those areas, but to the country as a whole and to the civilian population in general.

Lastly, it is our understanding that negotiation of the item "Identity and rights of indigenous people" is to resume on the basis of the second United Nations draft and that the parties cannot present new proposals. It is also our understanding that nothing alters the commitment made under the timetable agreement to sign agreements jointly on the items "Strengthening of civilian power and role of the army in a democratic society" and "Bases for the reintegration of URNG in the political life of Guatemala and agreement on a definitive cease-fire".

I hope that URNG will also respond favourably and that we will be able to resume negotiations according to the proposed timetable and methodology.

(Signed) Ramiro DE LEON CARPIO

Annex III

Letter dated 24 February 1995 from the Unidad Revolucionaria Nacional Guatemalteca addressed to the Under-Secretary-General for Political Affairs

We thank you for your letter dated 17 February, to which you attached the document entitled "Proposals for the continuation of the negotiations between the Government of Guatemala and the URNG", and we reiterate our gratitude for the effort made by the United Nations and your concern that our peace process should regain its momentum.

We have studied the document and its six points carefully and are pleased to inform you that we accept your proposals, subject to the following clarifications:

1. We agree to the establishment of a revised timetable, provided that it guarantees fully that the parties can discuss, analyse and agree on substantive issues without any constraints imposed by time or political will.

2. We see the setting of dates as a guide for our work, a time-frame and a useful tool for giving momentum to the negotiations and to the attainment of satisfactory agreements. In no case can these dates be peremptory.

We therefore reiterate that our approach to the negotiations, within an overall context of flexibility, is based essentially on the content and substance of the agreements, and that this approach must be maintained.

3. We agree that, on the basis of the parties' proposals and the consensus document of the Assembly of Civil Society (ASC), the Moderator should prepare a preliminary draft on each item, to serve as a basis for the negotiations. However, it is our understanding that the draft will be a working paper of the negotiating table.

The parties must take it as such and in that spirit. It cannot be interpreted as a United Nations position and it must be open to comments, analyses and proposals by the parties until such time as a final agreement is reached between them bilaterally.

In this context, it should be reiterated that the role of the United Nations, and the nature of its participation, is to act as moderator. Its power to make proposals falls within that mandate, as established by the framework agreement.

4. As regards the measures proposed to reinforce the credibility of the peace process, we consider that anything to do with the comprehensive agreement on human rights deserves special consideration and attention.

The comprehensive agreement is the only agreement that has been in full force and subject to specific verification for almost a year now, yet the current status of compliance with it - the practical expression of which would

be a marked improvement in respect for human rights in Guatemala - stands in stark contrast to and falls far short of what was agreed.

We value greatly the establishment and deployment of MINUGUA and therefore consider it essential that it remain in the country and that it be strengthened.

5. With regard to military operations, until such time as a cease-fire is agreed to and takes effect, URNG insists on the commitment to respect the provisions of the comprehensive agreement on human rights intended to alleviate the suffering of the civilian population, protect human rights and facilitate the work of MINUGUA and of all national bodies devoted to the protection and promotion of human rights and the rights deriving from international humanitarian law.

As an additional gesture of confidence, URNG offers to suspend acts of sabotage that do not have an impact on the military situation.

It reiterates its willingness to scrupulously observe the commitment on security, so as to guarantee the functioning of MINUGUA.

At the present juncture, it would be very difficult and delicate to make any further statement about military operations.

We reassure you of our readiness to return to the negotiating table as soon as possible and should like to request that the proposed revised timetable take effect as of 15 March.

URNG General Command

(Signed)

Commander Rolando MORÁN

(Signed)

Commander Gaspar ILOM

(Signed)

Commander Pablo MONSANTO

(Signed)

Carlos GONZÁLES
Secretary-General of the
Central Committee of the
Guatemalan Labour Party